

**19-5-105.5 Agriculture water.**

- (1)
  - (a) The board shall draft any rules relating to agriculture water in cooperation with the commission.
  - (b) The commission shall advise the board before the board may adopt rules relating to agriculture water.
- (2) A program or rule adopted by the board for agriculture production or irrigation water shall:
  - (a) be consistent with the federal Clean Water Act; and
  - (b) if possible, be developed in a voluntary cooperative program with the agriculture producer associations and the commission.
- (3)
  - (a) The board's authority to regulate a discharge is subject to Subsection (3)(b) relating to an agriculture discharge.
  - (b)
    - (i) A person responsible for an agriculture discharge shall mitigate the resulting damage in a reasonable manner, as approved by the director after consulting with the commission chair.
    - (ii) A penalty imposed on an agriculture discharge shall be proportionate to the seriousness of the resulting harm, as determined by the director in consultation with the commission chair.
    - (iii) An agriculture producer may not be held liable for an agriculture discharge resulting from a large weather event if the agriculture producer has taken reasonable measures, as the board defines by rule, to prevent an agriculture discharge.

Amended by Chapter 360, 2012 General Session